

Senate File 2276 - Enrolled

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AN ACT

RELATING TO THE STANDARDS FOR LAND SURVEYING, INCLUDING  
REQUIREMENTS FOR RECORDED DOCUMENT FORMATTING, MONUMENT  
PRESERVATION CERTIFICATES, AND RETRACEMENT PLATS OF SURVEY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.606B, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall contain an index legend. However, this requirement shall not apply to a United States public land survey corner certificate described in section 355.11.

*b.* Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall include a blank rectangular space three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is attached to a cover sheet approved by

the governing board of the county land record information system.

Sec. 2. Section 355.1, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. "*Public improvement project*" means a project relating to the construction of the principal structures, works, component parts, and accessories of any of the following:

- a. Underground gas, water, heating, sewer, telecommunications, and electrical connections located in streets for private property.
- b. Sanitary, storm, and combined sewers.
- c. Waterworks, water mains, and extensions.
- d. Emergency warning systems.
- e. Pedestrian underpasses or overpasses.
- f. Drainage conduits, dikes, and levees for flood protection.
- g. Public waterways, docks, and wharfs.
- h. Public parks, playgrounds, and recreational facilities.
- i. Clearing, stripping, grubbing, earthwork, erosion control, lot grading, street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil and gravel or chloride.
- j. Street lighting fixtures, connections, and facilities.
- k. Sewage pumping stations.
- l. Traffic control devices, fixtures, connections, and facilities.
- m. Public roads, streets, and alleys.

NEW SUBSECTION. 9B. "*Retracement plat of survey*" means a graphical representation of a survey of one or more parcels or tracts of land prepared by a licensed professional land surveyor and described by an existing recorded property description used for the transfer of land.

Sec. 3. NEW SECTION. 355.6A **Monument preservation certificate.**

1. If during the construction of a public improvement project the governmental entity or other organization responsible for the public improvement project determines that a monument is likely to be disturbed or removed, the entity

or organization shall hire or cause to be hired a surveyor to locate and preserve, in the manner provided in this section, the monuments likely to be disturbed or removed. However, any United States public land survey corner monuments that are within the construction corridor of a public improvement project shall be preserved and replaced pursuant to section 355.11.

2. *a.* The surveyor shall review all relevant documents of record, including those retained by federal, state, county, and city offices, necessary for locating the monuments likely to be disturbed or removed. The surveyor shall also conduct a field survey of the construction corridor to locate such monuments and preserve their positions and, if applicable, their elevations.

*b.* Following the completion of the public improvement project, the surveyor shall replace any monument disturbed or removed at its preserved position pursuant to section 355.6, subsection 1. Elevation shall be preserved, if applicable, by using appropriate survey methods to determine a relative elevation on a nearby physical structure.

*c.* If the replacement of a monument at the preserved location is unsafe or impractical, the surveyor may, in lieu of establishing a reference monument, use a federal, state, county, or city geographic coordinate system to preserve the position.

3. The surveyor shall prepare a monument preservation certificate to record and identify a monument location preserved under this section. Multiple monuments preserved for the same public improvement project may be identified on a single certificate. The size of each sheet making up the certificate shall not be less than eight and one-half inches by eleven inches. The monument preservation certificate shall include, at a minimum, the following information:

*a.* A description of the public improvement project and the jurisdiction or organization under which the certificate was prepared.

*b.* A description of the land on which the monument is located within, including the section number, township, range, county, quarter section description, and official plat name,

if applicable.

*c.* A description of the monument prior to being disturbed or removed, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such monument.

*d.* A description of the procedure used to preserve the position of the monument. When a federal, state, county, or city geographic coordinate system is used to preserve the position of the monument, such description shall include a coordinate listing and elevation, if applicable, of all coordinate system access monuments used and the official name of the system, along with the geographic datum to which the coordinate system is referenced.

*e.* A description of the replacement monument after being preserved, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such replacement monument.

*f.* Where the elevation of a monument is preserved, a description of the monument prior to and after replacement, including the relative elevation and a minimum of three reference ties.

*g.* A plan-view site drawing depicting the monument with reference to the physical surroundings and natural or man-made objects in sufficient detail to facilitate the preservation of the monument, including project control, nearby monuments, street or highway centerlines, project corridor right-of-way lines, trees, fences, or structures.

*h.* A statement by the surveyor certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, which shall be signed and dated by the surveyor and bear the surveyor's Iowa license number and legible seal.

4. *a.* The monument preservation certificate shall be filed with the county recorder pursuant to section 331.606B, subsection 4, no later than thirty days after the certificate is signed by the surveyor.

*b.* The county recorder shall index the monument preservation certificate according to the township, range, section number,

and quarter section on which the monument is located within. If the monument is located within an official plat, the county recorder shall index the certificate alphabetically by the official plat name.

*c.* The index legend affixed to such certificate shall include the following information:

(1) The surveyor's name, mailing address, and other contact information.

(2) The name of the governmental entity or other organization under which the surveyor provided the professional service.

(3) The aliquot part or parts of the United States public land survey system or portion of official plat that the monument is located within.

(4) The name of the governmental entity or other organization requesting the monument preservation certificate pursuant to this section.

(5) Information necessary for the county recorder to return the certificate.

5. *a.* A monument preservation certificate shall not be prepared in lieu of a plat of survey or acquisition plat where a true land boundary survey is required.

*b.* A monument preservation certificate shall not be prepared for the identification or establishment of survey corners or right-of-way corners.

*c.* The surveyor preparing a monument preservation certificate shall be liable only for the accuracy or placement of the replacement monument and not for the accuracy or placement of the original monument.

**Sec. 4. NEW SECTION. 355.7A Retracement plats of survey.**

A retracement plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of surveying an existing recorded description of one or more parcels or tracts of land and shall not be used for the division of land. Each retracement plat of survey shall conform to the following provisions:

1. The original plat drawing shall remain the property of the surveyor.

2. The size of each plat sheet shall not be less than eight

and one-half inches by eleven inches.

3. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

4. An arrow indicating the northern direction shall be shown on each plat sheet.

5. The plat shall show that the survey is a correct representation of the recorded description of the parcel or tract. The plat shall show, clearly and unequivocally, the method used by the land surveyor to locate the recorded description of land.

6. *a.* The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines:

Recorded as (show recorded bearing, length, or location).

*b.* Bearings and angles shown shall be given to at least the nearest minute of arc.

7. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.

8. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

9. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed.

10. Distance shall be shown in decimal feet in accordance

with the definition of the U.S. survey foot. Distance measurements shall refer to the horizontal plane.

11. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.

12. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.

13. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

14. The acreage shall be shown for each parcel or tract included in a retracement plat of survey to the nearest one-hundredth acre. If a parcel or tract described as part of the United States public land survey system and not entirely within an official plat lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for each portion of the parcel that lies within each forty-acre aliquot part. The surveyor shall not be required to establish the location of the forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes. If appropriate, areas of parcels or tracts of less than one acre may be expressed in square feet to the nearest ten square feet.

15. The plat shall be captioned to show the date of the survey, and shall be accompanied by a description of the parcel.

16. The plat shall contain a statement by a surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa license number and legible seal.

Sec. 5. Section 355.10, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* To retrace an existing recorded description of a parcel or tract of land.

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PAM JOCHUM  
President of the Senate

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LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2276, Eighty-sixth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2016

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TERRY E. BRANSTAD  
Governor